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DECENTED MAY 10 2008

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May 15, 2008

BY FACSIMILE (212) 805-7901

Honorable Harold Baer, Jr. United States District Judge United States District Court Southern District of New York 500 Pearl Street, Room 2230 New York, New York 10007

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5 19 08

Re:

Ispat Industries Ltd. v. Samson Freight (Egypt) Ltd.

08 Civ. 2145 (HB)

Our Ref.: 129163-00603_

Dear Judge Baer:

We represent Plaintiff Ispat Industries Ltd. in the above-referenced action. We write to request that the pre-trial conference presently scheduled for May 22, 2008 at 2:45 p.m. be adjourned.

By way of brief background, this is a maritime action brought pursuant to Rule B of the Supplement Admiralty Rules. Plaintiff seeks security of \$161,064.80 for its claim for breach of maritime charter, the merits of which are subject to arbitration in London. Although this Court has entered an Order Directing the Clerk to Issue a Writ of Attachment, and although Plaintiff has been diligently serving the garnishee banks on a daily basis, to date no funds have been attached. Plaintiff is continuing to serve the Writ on the garnishees in accordance with the terms of the Order.

In order to preserve the "ex parte" nature of the remedy, Plaintiff has not yet attempted to personally serve a copy of the complaint on Defendant. Rather, in quasi in rem proceedings, service is accomplished by attaching property within the District, and personal service is not required by the rules until and unless a Plaintiff seeks default judgment. See Fed. R. Civ. P. Supp. Ad. R. B(2). In the event funds are attached, Defendant is entitled to receive "prompt notice" of the attachment pursuant to Local Civil Rule B.2. Additionally, in the event it desires

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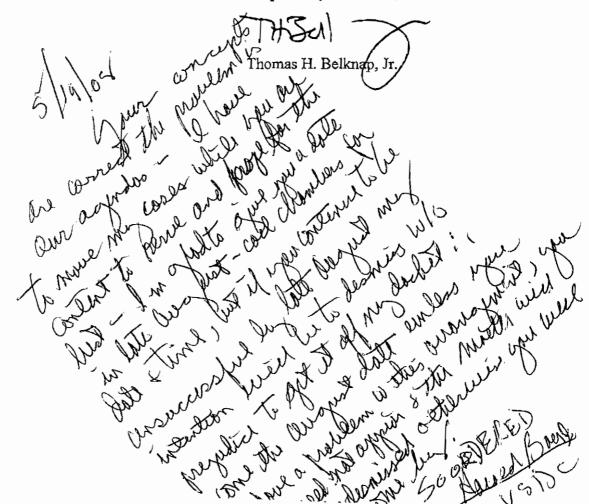
to oppose the attachment on any grounds, it is entitled to a prompt hearing pursuant to Rule E(4)(f).

In the circumstances, Plaintiff respectfully submits that there is no need for a pre-trial conference at this time. The merits of the claim are subject to arbitration in London, and so no action will be required by this Court unless and until funds are attached. Accordingly, we respectfully request that the conference be adjourned for 90 days or for such other time as the Court deems appropriate. In the event the Court is not inclined to grant this request, we respectfully request that the Court alternatively adjourn the conference for some time during the week of May 26th or thereafter in order to accommodate a scheduling conflict in the undersigned's calendar.

Please feel free to contact the undersigned if you have any questions or require additional information.

Respectfully submitted,

THB:aea



129163.00603/6639159v.1

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Endorsement:

Your concepts are correct the problem is our agendas - I have to move my cases while you are content to serve and hope for the best. I'm glad to give you a date in late August - Call Chambers for date and time, but if you continue to be unsuccessful by late August my intention will be to dismiss without prejudice to get it off my docket; come the August date unless you have a problem with this arrangement, you need not appear and the matter will be dismissed otherwise you will come by.